

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CONRAD JOSEPH OLD HORN, JR.,

Defendant.

CR-10-86-GF-BMM

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
MAGISTRATE JUDGE**

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on May 13, 2015. (Doc. 68). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Old Horn admitted to having violated Standard Condition 10 of his supervised release by failing to permit a probation officer to visit him at any time and place. Old Horn also admitted to violating Special Condition 2 of his supervised release by failing to participate in and complete a program of substance

abuse treatment. Old Horn also admitted to violating Special Condition 3 of his supervised release by failing to participate in a program for mental health treatment as deemed necessary by a probation officer. Finally, Old Horn also admitted to violating Special Condition 5 of his supervised release by failing to abstain from the consumption of alcohol.

Old Horn's admissions constitute a Grade C violation. Old Horn's criminal history category is II and Old Horn's underlying offense is a Class C felony. The statutory range is a maximum of 24 months in custody followed by a term of supervised release up to 24 months, less any custody time imposed. The guideline range is 4 to 10 months in custody, followed by a term of supervised release up to 24 months, less any custody time imposed.

Judge Johnston found that Old Horn violated Standard Condition 10, Special Condition 2, Special Condition 3, and Special Condition 5. Judge Johnston recommends that Old Horn be incarcerated for twelve months and one day, with no supervised release to follow.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Incarceration for twelve months and one day followed by no supervised release is an appropriate disposition of this case in light of Old Horn's violations and his unwillingness to cooperate with supervised release.

IT IS HEREBY ORDERED:

1. Judge Johnston's Amended Findings and Recommendations (Doc. 68)
is ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 1st day of June, 2015.



Brian Morris
United States District Court Judge